



3628 FF
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In the United States Patent and Trademark Office

Application number: 09/848639

Filing date: May 3, 2001

Applicant: Shelton E. Harrison, Jr.

Art Unit: 3628

For: ELECTRONIC BOND & GUARANTY PROCESS AND BUSINESS METHOD

Mailed: May 30, 2004
At: Los Angeles, California

RESPONSE TO DECISION ON PETITION TO MAKE SPECIAL (INFRINGEMENT)

Dear Mr. Dorner, Technology Center 3600,

I am in receipt of your April 30, 2004, correspondence denying my petition to make special and am submitting this reply to remedy the defects in the prior submission.

Below appears a declaration as required in your letter in reference to MPEP 708.02(II)C.

Also, attached are the required most closely related pieces of prior art. Specifically, included are print-outs from the Billpoint site in Spring 2001 and the Escrow.com site in Spring 2001, as stored on the servers at www.archive.org. At the time of the present invention, these were the two best pieces of prior art: Billpoint/eBay was the most integrated Internet auction service, and Escrow.com offered the most security for Internet auction payments. As shown in the two website descriptions of the processes, payment under either prior system could take days or weeks, depending on how responsive a given winning bidder was. In fact, payment under these systems could never occur at all, since neither of these providers offered any protection against deadbeat bidders, i.e., no automatic payment. Nor could either service have dared offer an automatic payment, since there was no Petition to Make Special

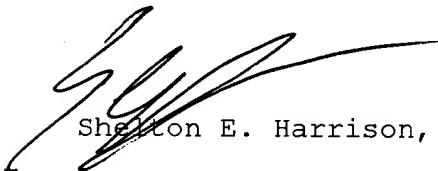
collateral secured in advance from bidders.

The present invention, therefore, in providing instantaneous payment the moment an auction closes and in providing 100% protection against deadbeat bidders as well as seller fraud/default, represented a leap beyond the prior art both in terms of both speed and security, as well as in simplicity and convenience.

I hope that the present submission remedies the defects in the previously submitted Petition and hereby request reconsideration of the Petition to Make Special.

Thank you for your reconsideration of this matter. Please contact me at the number below or by email to shel@epoet.com if you require any additional information or documentation to grant this petition.

Respectfully submitted,



Sheldon E. Harrison, Jr.

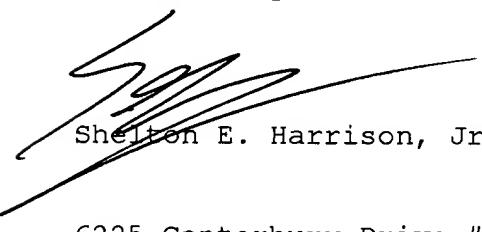
310-500-5593

Declaration in Support of Petition to Make Special
Reason II - Infringement Exists

In support of the previously submitted Petition to Make Special, Applicant declares as follows:

1. I am the applicant of the above-identified patent application.
2. I hereby declare that I have made a careful and thorough search of the prior art and have a good knowledge thereof.
3. I am attaching to this declaration a print out of the "most closely related" art as required in MPEP 708.02.
4. I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that the statements were made with a knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the U.S.C., and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

Respectfully submitted,



Shelton E. Harrison, Jr.

6225 Canterbury Drive #105
Culver City, California 90230
310-500-5593

Attached: Print-outs of Billpoint.com website and Escrow.com website,

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Solutions

- Business
- Consumer

Services

Transaction Settlement

Escrow

[Process Overview](#)

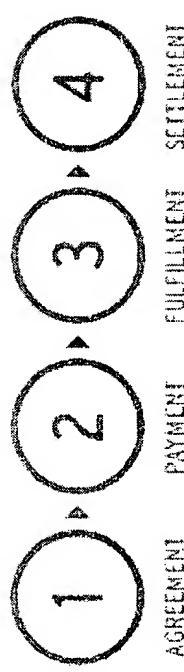
Business

Consumer

Domain Name Escrow

Global Trade

Vehicle



Escrow.com's easy 4-step process

1. **Agreement:** Either the Buyer or Seller begins by specifying terms and providing information about the merchandise. If they agree on these, the transaction can proceed.
2. **Payment:** The Buyer submits payment to Escrow.com's escrow subsidiary, Internet Escrow Services* (IES), where it's verified. IES then deposits it in a trust account.
3. **Fulfillment:** Escrow.com notifies the Seller that the Buyer's payment is securely held in escrow. The Seller then delivers the merchandise to the Buyer.
4. **Settlement:** The Buyer decides to accept or reject his purchase within the agreed upon timeframe. If the Buyer accepts it, IES releases payment to the Seller.

[Learn more](#) about the escrow process in detail.

All escrow services offered on this Website are provided independently and exclusively by Internet Escrow Services, Inc. (IES), one of the operating subsidiaries of Escrow.com. IES is fully licensed and accredited as an escrow company and is subject to compliance with all applicable escrow regulations, including the California Financial and Business Code.

Business
Consumer

Business
Consumer

Services

Transaction Settlement

Escrow

Process Overview

Business

Consumer

Domain Name Escrow

Global Trade

Vehicle

Summary: Escrow.com requires both parties to agree to the terms in order to begin a new transaction

Transaction Settlement

Escrow

Process Overview

Business

Consumer

Domain Name Escrow

Global Trade

Vehicle

1. Either Buyer or Seller signs in to Escrow.com and creates a transaction. If either party is not a registered user, they must register with Escrow.com. **Registration is free.**

2. Define the terms of the transaction and provide information about the merchandise. This information includes:

- E-mail address of the other party
 - Length of Inspection Period
 - Party responsible for paying Escrow Fee
 - Delivery Methods
 - Shipping Costs

3. Confirm the information provided, and agree to the escrow instructions.

4. The other party will be notified by e-mail to sign in, review, and confirm the information you have provided regarding the transaction.

5. After both parties have agreed to the terms of the transaction, **the Buyer will be asked to submit payment.**

Go to Step 2: Payment

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Solutions

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Transaction Settlement

Escrow

Process Overview

Business

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Domain Name Escrow

Global Trade

Vehicle

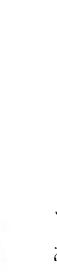
Summary: The Buyer submits payment, where it is verified and secured into a trust account

1. The Buyer submits their payments to IES*. Several payment methods are available.
2. When payment is received, it will be verified and secured into a trust account.
3. After payment is secured, the Seller is prompted to ship the merchandise to the Buyer.

Go to Step 3: Fulfillment

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Escrow

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Domain Name Escrow

Global Trade

Vehicle

Summary: With the Buyer's payment secured, the Seller ships the merchandise to the Buyer without fear of fraud

1. The Seller ships the merchandise to the Buyer using an appropriate delivery service.
2. The Seller must initially pay for the shipment of the merchandise. If the buyer is responsible for shipping costs, the Seller will be reimbursed when the transaction is complete.
3. After shipment, the Seller will sign in to Escrow.com and provide tracking information, if necessary.
4. If available, the Buyer can track the shipment with the tracking information.

[Go to Step 4: Settlement](#)

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Solutions
Business
Consumer

Step 4: Settlement

Services

Summary: The Buyer accepts the merchandise after inspecting it. IES releases payment to the Seller

Transaction Settlement

Escrow

Process Overview

Business

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Domain Name Escrow

Global Trade

Vehicle

1. The Buyer may examine the merchandise within the inspection period.
2. If the Buyer accepts the merchandise, the disbursement of payment will begin.
3. Payment is released to the Seller with escrow fees and shipping costs deducted, if applicable.

Rejecting the Merchandise

1. If the Buyer rejects the merchandise, the Buyer will be responsible for paying 100% of the escrow fees. The buyer may reject the item for any reason.
2. If the Buyer clicks on the **Reject** button during the inspection period, Escrow.com will e-mail the Buyer and Seller indicating the Buyer's decision to reject and return the merchandise to the Seller.
3. The Buyer will promptly return the merchandise to the Seller's address, which is provided to the Buyer in the e-mail notification.
4. The Buyer is solely responsible for all shipping and insurance costs. Shipment must be made by the courier that shipped the merchandise from the Seller to the Buyer.
5. Immediately after shipment, the Buyer will sign in to Escrow.com and submit the shipping information. This includes the name of the courier and tracking information. It is the Buyers responsibility to accurately provide this information.
6. When shipping information is received, Escrow.com will e-mail the Buyer and Seller indicating that the merchandise has been shipped. This e-mail will include the name of the courier and tracking information to allow the Buyer to track the shipment.

7. If the Buyer returns the merchandise to the Seller without following the above guidelines, Escrow.com will not return any funds held in escrow unless and until a) the Seller confirms that the returned merchandise arrived in the condition it was sent and b) there is a Resolution of Dispute.

Seller Accepts Returned Merchandise

1. If the Seller clicks the **Accept** button during the inspection period, the Seller will have officially accepted the returned merchandise. The disbursement of payment will then begin.
2. The Seller is allowed an inspection period of 5 days.
3. If the Seller fails to click the **Accept** or **Reject** button during the inspection period, Escrow.com will conclude that the Seller is satisfied with the returned merchandise and will begin the process of disbursing the payment.

If the Buyer agreed to pay the Shipping Fee:

- Escrow.com will pay the Buyer the Purchase Amount less the Escrow Fee that the Buyer agreed to pay, if any.
- Escrow.com will reimburse the Seller for the Shipping Fee shown in the Transaction Detail Screen.

If the Seller agreed to pay the Shipping Fee:

- Escrow.com will pay the Buyer the Purchase Amount less the Escrow Fee that the Seller agreed to pay, if any.
- 4. Upon completion of the disbursements, escrow shall be deemed closed and final, and the transaction between the Buyer and the Seller will be officially over.

Seller Rejects Returned Merchandise

1. If the Seller clicks the **Reject** button during the Inspection Period, Escrow.com will e-mail the Buyer and Seller indicating the Seller's decision to reject the returned merchandise.
2. The Seller is allowed an Inspection Period of 5 days.
3. If the Seller chooses to reject the merchandise, both parties will be deemed to have a "dispute" regarding either: a) the condition of the returned merchandise or b) the allocation of disbursed funds held in escrow between the Buyer and Seller to compensate the Seller for the diminution in value of the returned merchandise, taking into consideration the insurance obtained during shipment.

4. Escrow.com will continue to hold the funds in escrow until the dispute is resolved.
5. Upon completion of the disbursements after resolution of the dispute, escrow shall be deemed closed and final, and the transaction between the Buyer and Seller will be officially over.

[Return to the Escrow Process](#)

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Sell Your Item

Applicant is not registered as a seller with Billpoint
 Accept Credit Cards (available to buyers in these countries):
 Accept Electronic Checks (available to U.S. buyers only)

Instant Purchase (available to U.S. buyers where the auction ends)

Shipping, Handling
Additional Shipping

Instant Purchase available to U.S. buyers where the auction ends
Shipping, Handling
Additional Shipping
Add icon to bottom of my Description. [Add it yourself](#)

Your return policy:

 Instant Purchase

Step 1: Seller Lists Item

When listing items on eBay using the Sell Your Item form, Mr. Lister, or other listing tools, the seller should choose eBay Online Payments by Billpoint.

The seller can choose to accept **credit card payment, electronic check payment, or both**.

For the fastest and most convenient payments, the seller should offer **Instant Purchase** and specify shipping, handling, sales tax, and other payment information during listing. Buyers will be able to pay immediately after the auction ends!

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Billpoint.com

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Buyer Pays for Item

Buyer Pays for Item

Closed Item Listing

Location: PLACERVILLE, CA
Country/Region: USA/Sacramento
Email this auction to a friend
Request a gift alert

www.auctionwatch.com (138) ★

Feedback Profile | view seller's other auctions | ask seller a question

Order/Refund Checks
Shipping charges
are only

Buyer
Bidders:

Seller: Click here to send an invoice.

Step 2: Buyer Pays for Item

After the auction ends, the high bidder can pay for the item by returning to the Item Listing page and simply clicking on the "Pay Now" button (no registration is required).

Instant Purchase

Item #: 553462651
Item Name: Indistable
Seller: hpseller

Date invoice Sent: 02/01/2001
Final Auction Price: \$1.25
Shipping & Handling: \$0.25
Total Amount*: \$1.50
Return Policy: Returns allowed within 10 days of receiving item

* A \$0.12 Sales Tax charge will be added for shipping addresses in CA.

Please choose one of the following payment methods, or click "CANCEL" to exit.

If the listing offers **Instant Purchase**, the total amount will be filled in already.

No Instant Purchase - Buyer Enters Total Amount

Price of Item(s): \$1.00
Shipping, Sales Tax, Other: + (please include in total)

Total Amount to Pay: \$ Please include shipping, handling, insurance, sales tax and other fees. If you are unsure of total, request an invoice below.

Message to Seller:
(optional)

If you are unsure of the total amount to pay:
Click the "Request an invoice" button below. Your seller will send you...

If the listing does not offer Instant Purchase, the high bidder types in the total amount of the purchase, including any shipping & handling, sales tax, insurance, etc. charges.

If the high bidder doesn't know the total amount, he can click on the Request an Invoice button and the seller will send a Billpoint Invoice for the total amount.

The seller can send an Invoice by clicking on the Send an Invoice link on the View Item page and entering final payment details. Optionally, sellers can set a preference in My Billpoint to prevent high bidders from paying before Invoices are sent.

Credit Card Payment and Electronic Check

The buyer can issue payment by entering credit card or checking account information. (If previously registered, the buyer can pay in one step by using their Billpoint account.)

Credit Card

Credit card: Visa

Card number: eBay Welcomes

Expiration:

Electronic Check

Bank Name: Bank Routing #: Checking

Sample Check (lower left corner)



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②

Confirmation Email**Confirmation E-mail****Dear Buyer,**

Thank you for your Billpoint payment! This e-mail is your receipt to confirm your purchase -- you may want to keep it for your records. vincentedemo@optonline.net has been sent an e-mail confirming your payment.

This order will appear on your credit card statement as "bpt@eBay vincentedemo@optonline.net".

Order Information (Order Reference ID: RSABTP0)

Item: 8 vegetable waste labels
Item #: 621180772
Site: eBay
Total: \$15.25
Amount Charged: \$14.25 (\$1.00 with Visa)
Date Order Placed: 12/09/2000

Order Detail**Order Detail for johnsmith****Order Reference ID: BHTS2CPK**

Invoice Information		Payment
Item #: BHTS2CPK	Item: Spudette rug	Item:
Category:		Shipping & C
Site:		
Payment Method: Credit Card		\$1.00
Status: Invoice paid by buyer		Amount:
Invoice Paid: 11/09/00		
Seller Message: Hi there. Here is your Billpoint invoice. See you soon.		Credit

Step 3: Confirmation

After payment is completed, both the buyer and the seller will receive a **payment confirmation e-mail** from Billpoint.

(Please note that electronic check payments take 3-4 business days before they are confirmed.)

Both buyers and sellers can return to the item listing page to **view payment details**, such as shipping address, form of payment, contact information, etc.

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